

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
RALEIGH DIVISION

IN RE:) Case No. 16-03686-5-SWH
)
KING DAN RIVES) Chapter 13
MARYDEL HART RIVES)
 Debtors.)
)

RESPONSE TO TRUSTEE'S MOTION TO DISMISS

NOW COME the Debtors, by and through their undersigned attorney, and respond in opposition to the Trustee's motion to dismiss. By way of further response, the Debtors show as follows:

1. Since confirmation of the plan, Ms. Rives has had serious health issues, necessitating brain surgeries on June 14, 2017 and July 19, 2017, and most recently a hospitalization from August 28 to August 31, 2017.
2. The procedures and treatments have had considerable expenses, including 6 weeks of in-home IV treatments at \$107 per day, and various other prescriptions and procedures. While the Debtor has coverage under Medicare and Medicare Part D, substantial costs have been left as the Debtors' responsibility.
3. While the foregoing events have been financial disruptive, the Debtors are hopeful the worst is behind them, and desire to proceed in the chapter 13 case.
4. The Debtors are investigating the viability of a cure proposal. Alternative, the foregoing events would meet the standard as a substantial and unanticipated change in circumstances to support a modification of the chapter 13 plan.

WHEREFORE, the Debtors respectfully request that the Court:

1. Deny the Trustee's motion to dismiss;
2. Hold a hearing on this matter;
3. Grant such other relief as the Court deems just and proper.

Respectfully submitted, this the 6th day of September, 2017

s/ Erich M. Fabricius

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached response, was served this day on the following parties:

John F. Logan
Chapter 13 Trustee
(electronic notice via CM/ECF)

This 6th day of September 2017

s/ Erich M. Fabricius